

# **INTERNATIONAL STANDARDS FOR PHYTOSANITARY MEASURES**

## **PRINCIPLES FOR THE PROTECTION OF PLANT HEALTH**

### **ISPM No. 1 (200-)**

Secretariat of the International Plant Protection Convention  
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS  
Rome, ----

### INTRODUCTION

SCOPE  
REFERENCES  
DEFINITIONS  
OUTLINE OF REQUIREMENTS

### BACKGROUND

### PRINCIPLES

#### **1. Basic principles**

- 1.1 Sovereignty
- 1.2 Necessity
- 1.3 Managed risk
- 1.4 Minimal impact
- 1.5 Transparency
- 1.6 Harmonization
- 1.7 Non-discrimination
- 1.8 Technical justification
- 1.9 Cooperation

#### **2. Operational principles and concepts**

- 2.1 Establishment of phytosanitary measures
  - 2.1.1 Pest risk analysis
  - 2.1.2 Pest listing
  - 2.1.3 Recognition of pest free areas and areas of low pest prevalence
  - 2.1.4 Equivalence
  - 2.1.5 Modification
  - 2.1.6 Official control related to import requirements
- 2.2 Implementation of phytosanitary measures
  - 2.2.1 Emergency measures
  - 2.2.2 Phytosanitary certification
  - 2.2.3 Phytosanitary integrity and security of consignments
  - 2.2.4 Surveillance
  - 2.2.5 Pest reporting
  - 2.2.6 Timely action
- 2.3 Administration of phytosanitary systems
  - 2.3.1 Provision of a National Plant Protection Organization (NPPO)
  - 2.3.2 Dispute settlement
  - 2.3.3 Administrative delays
  - 2.3.4 Notification of non-compliance
  - 2.3.5 Information exchange

## INTRODUCTION

### SCOPE

This standard describes principles and concepts for the protection of plant health that are embodied in the New Revised Text of the International Plant Protection Convention, hereafter the IPPC (1997). It covers principles related to the protection of plants, including cultivated and non-cultivated/unmanaged plants and wild flora principles regarding the application of phytosanitary measures to the international movement of people, commodities and conveyances, as well as other principles and concepts inherent in the objectives of the IPPC (1997). The standard is not intended to alter the IPPC (1997), extend existing obligations, or interpret any other agreement or body of law.

### REFERENCES

*Agreement on the Application of Sanitary and Phytosanitary Measures*, 1994. World Trade Organization, Geneva.

*Convention on Biological Diversity*, 1992. Convention on Biological Diversity, Montreal.

*Glossary of phytosanitary terms*, 2004. ISPM No. 5, FAO, Rome.

*International Plant Protection Convention*, 1997. FAO, Rome.

### DEFINITIONS

At its Seventh session in April 2005, the Interim Commission on Phytosanitary Measures adopted recommendations on the publication of ISPMs in a book format (see ICPM-7 report, paragraph 39 and Appendix II). Each book of ISPMs will contain a glossary chapter, i.e. the *Glossary of phytosanitary terms* (ISPM No. 5) in the relevant language.

The "definitions" section in the present ISPM, once integrated into the book, will not contain any definitions but will refer to the Glossary chapter of the book (ISPM No. 5). However, for the purpose of country consultation, this section contains terms or definitions which are new or revised in the present draft standard. Once this standard has been adopted, the new and revised terms and definitions will be transferred into the Glossary chapter of the book (ISPM No. 5), and will not appear in the standard itself.

#### New terms and definitions:

acceptable level of risk	Level of risk above which a contracting party applies phytosanitary measures
appropriate level of protection	The level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory [WTO-SPS Agreement, 1994]

## **OUTLINE OF REQUIREMENTS**

This standard describes the following basic principles under the IPPC (1997): sovereignty, necessity, managed risk, minimal impact, transparency, harmonization, non-discrimination, technical justification and cooperation. This standard also describes the operational principles and concepts under the IPPC (1997). They are divided into three categories: establishment of phytosanitary measures, implementation of phytosanitary measures and administration of phytosanitary systems. The operational principles and concepts are: pest risk analysis, pest listing, pest free areas and areas of low pest prevalence, equivalence, modification, official control related to import requirements, emergency measures, phytosanitary certification, phytosanitary integrity and security of consignments, surveillance, timely action, provision of a National Plant Protection Organization, dispute settlement, administrative delays, notification of non-compliance and information exchange.

## BACKGROUND

The original version of ISPM No. 1 (*Principles of plant quarantine as related to international trade*) was endorsed as a reference standard by the 27<sup>th</sup> Session of FAO Conference in 1993. It was developed at the time the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization (SPS Agreement) was being negotiated. It helped to clarify some of the elements of the SPS Agreement which were under discussion at that time. The SPS Agreement was adopted in April 1994, and experience has been gained since then on its practical application in relation to phytosanitary measures.

The IPPC (1997) was adopted by FAO Conference in 1997. It includes many changes to the 1979 version of the Convention. Other international conventions, which also directly or indirectly deal with the protection of plants, have come into force in recent years. For example, the Convention on Biological Diversity (CBD) which deals, amongst other things, with the conservation of biological diversity and the sustainable use of its components, came into force in 1993. The revision of the IPPC in 1997, and the advent of these other international agreements, has meant that ISPM No. 1 has required extensive revision.

This standard aims to aid in the understanding of the IPPC (1997) and provides guidance on the fundamental elements in phytosanitary systems. The principles and concepts described below reflect key elements of the IPPC (1997). In some cases, additional guidance on these elements is provided. It should be interpreted in accordance with the full text of the IPPC (1997). Quotations from the IPPC (1997) are indicated in quotation marks and italics.

## PRINCIPLES

### 1. Basic principles

The basic principles should be considered together, as a collective entity, in accordance with the full text of the IPPC (1997).

#### 1.1 Sovereignty

Contracting parties have sovereign authority, in accordance with applicable international agreements, to apply phytosanitary measures to protect plant health within their territories and to determine their appropriate level of protection and acceptable level of risk to plant health.

In relation to phytosanitary measures, the IPPC (1997) provides that:

*“With the aim of preventing the introduction and/or spread of regulated pests into their territories, contracting parties shall have sovereign authority to regulate, in accordance with applicable international agreements, the entry of plants and plant products and other regulated articles and, to this end, may:*

- a) prescribe and adopt phytosanitary measures concerning the importation of plants, plant products and other regulated articles, including, for example, inspection, prohibition on importation, and treatment;*
- b) refuse entry or detain, or require treatment, destruction or removal from the territory of the contracting party, of plants, plant products and other regulated articles or consignments thereof that do not comply with the phytosanitary measures prescribed or adopted under subparagraph (a);*
- c) prohibit or restrict the movement of regulated pests into their territories;*
- d) prohibit or restrict the movement of biological control agents and other organisms of phytosanitary concern claimed to be beneficial into their territories.” (Article VII.1)*

In exercising this authority, and *“In order to minimize interference with international trade, ...”* (Article VII.2) each contracting party undertakes to act in conformity with the provisions of Article VII.2 of the IPPC (1997).

#### 1.2 Necessity

Contracting parties may apply phytosanitary measures only where such measures are necessary to protect plant health. In this regard, the IPPC (1997) provides that: *“Contracting parties shall not,*

*under their phytosanitary legislation, take any of the measures specified in [Article VII.1, noted above] unless such measures are made necessary by phytosanitary considerations ...” (Article VII.2a). Article VI.2 states that “Contracting parties shall not require phytosanitary measures for non-regulated pests.”*

### **1.3 Managed risk**

Contracting parties should apply phytosanitary measures based on a policy of managed risk, recognizing that risk of the spread and introduction of pests always exists when importing plants, plant products and other regulated articles. Contracting parties “... *shall institute only phytosanitary measures that are ... consistent with the pest risk involved ...*” (Article VII.2g).

### **1.4 Minimal impact**

Contracting parties should apply phytosanitary measures with minimal impact. In this regard, the IPPC (1997) provides that they “...*shall institute only phytosanitary measures that ... represent the least restrictive measures available, and result in the minimum impediment to the international movement of people, commodities and conveyances.*” (Article VII.2g)

### **1.5 Transparency**

Contracting parties have a responsibility to make relevant information available to other contracting parties as set forth in the IPPC (1997). In this regard, the IPPC (1997) calls upon contracting parties, for example, to:

- “... *immediately upon their adoption, publish and transmit phytosanitary requirements, restrictions and prohibitions to any contracting party or parties that they believe may be directly affected by such measures.*” (Article VII.2b)
- “... *on request, make available to any contracting party the rationale for phytosanitary requirements, restrictions and prohibitions.*” (Article VII.2c)
- “... *cooperate in the exchange of information on plant pests ...*” (Article VIII.1a).

### **1.6 Harmonization**

Contracting parties should cooperate in the development of harmonized standards for phytosanitary measures. In this regard, the IPPC (1997) provides that “*The contracting parties agree to cooperate in the development of international standards ...*” (Article X.1). Contracting parties should, without undue delay, “... *take into account, as appropriate, international standards when undertaking activities related to this Convention.*” (Article X.4).

### **1.7 Non-discrimination**

Contracting parties should, in accordance with the IPPC (1997), apply phytosanitary measures without discrimination among other contracting parties if those other contracting parties can demonstrate that they have the same phytosanitary status and apply identical or equivalent phytosanitary measures.

Contracting parties should also apply phytosanitary measures without discrimination between comparable domestic and international phytosanitary situations.

In these regards, the IPPC (1997) provides that:

- phytosanitary measures “... *should not be applied in such a way as to constitute either a means of arbitrary or unjustified discrimination or a disguised restriction, particularly on international trade.*” (Preamble)
- contracting parties may require phytosanitary measures, provided that such measures are “... *no more stringent than measures applied to the same pests, if present within the territory of the importing contracting party.*” (Article VI.1a)

### **1.8 Technical justification**

Contracting parties have a responsibility to technically justify phytosanitary measures “...*on the basis of conclusions reached by using an appropriate pest risk analysis or, where applicable, another*

*comparable examination and evaluation of available scientific information.*” (Article II.1). In this regard, the IPPC (1997) provides that *‘Contracting parties shall not, under their phytosanitary legislation, take any of the measures specified in paragraph 1 [of Article VII] unless such measures ... are technically justified.’* (Article VII.2a). When the need for phytosanitary measures has been demonstrated, phytosanitary measures which conform to ISPMs are deemed to be technically justified.

## **1.9 Cooperation**

Contracting parties have a responsibility to cooperate with one another to achieve the objectives of the IPPC (1997). In particular, they *“...shall cooperate with one another to the fullest practicable extent in achieving the aims of [the] Convention ...”* (Article VIII). They *“... agree to promote the provision of technical assistance to contracting parties, especially those that are developing contracting parties ...”* (Article XX). Contracting parties should also actively participate in bodies established under the IPPC.

## **2. Operational principles and concepts**

Operational principles and concepts are applied in the implementation of the IPPC (1997) and deal with specific aspects thereof. They can be subdivided into three categories: the establishment of phytosanitary measures; the practical implementation of those phytosanitary measures; and the administration of phytosanitary systems.

### **2.1 Establishment of phytosanitary measures**

#### **2.1.1 Pest risk analysis**

Contracting parties should, when performing pest risk analysis, base it on biological or other scientific and economic evidence, following the relevant ISPMs. In doing this, contracting parties should also take account of threats to biodiversity resulting from effects on plants.

*Relevant Articles in the IPPC (1997): II and VI.1b.*

#### **2.1.2 Pest listing**

Contracting parties *“... shall, to the best of their ability, establish and update lists of regulated pests ...”* (Article VII.2i).

*Relevant Articles in the IPPC (1997): VII.2i.*

*Relevant ISPMs: No. 19 (Guidelines on lists of regulated pests).*

#### **2.1.3 Recognition of pest free areas and areas of low pest prevalence**

Contracting parties should ensure that their phytosanitary import requirements take into account the status of areas in exporting countries where a regulated pest does not occur or occurs with low prevalence, as determined by using the provisions of the appropriate ISPMs.

*Relevant ISPMs: No. 4 (Requirements for the establishment of pest free areas), No. 10 (Requirements for the establishment of pest free places of production and pest free production sites), No. 22 (Requirements for the establishment of areas of low pest prevalence).*

#### **2.1.4 Equivalence**

Importing contracting parties should accept alternative phytosanitary measures proposed by exporting contracting parties as equivalent when those measures are demonstrated to achieve at least the same level of protection as the existing measures of the importing contracting party, by application, where appropriate, of ISPM No. 24 (*Guidelines for the determination and recognition of equivalence of phytosanitary measures*).

*Relevant ISPM: ISPM No. 24 (Guidelines for the determination and recognition of equivalence of phytosanitary measures)*

#### **2.1.5 Modification**

*“Contracting parties shall, as conditions change, and as new facts become available, ensure that phytosanitary measures are promptly modified or removed if found to be unnecessary.”* (Article VII.2h). The modifications of phytosanitary measures should be determined on the basis of a new or

updated pest risk analysis or relevant scientific information. Contracting parties should not arbitrarily modify phytosanitary measures.

*Relevant Articles in the IPPC (1997): VII.2.h.*

#### **2.1.6 Official control related to import requirements**

Where import requirements are applied for a pest which is present in the territory of the importing contracting party, that contracting party should ensure the establishment of official control of that pest.

*Relevant ISPM: No. 5 (Glossary of phytosanitary terms), Supplement No. 1 (Guidelines on the interpretation and application of the concept of official control for regulated pests).*

### **2.2 Implementation of phytosanitary measures**

#### **2.2.1 Emergency measures**

Contracting parties may adopt emergency actions or emergency measures without full technical justification when faced with a new or unexpected phytosanitary risk.\* Emergency measures should be temporary in their application and should be evaluated by pest risk analysis as soon as possible, to ensure that the continuance of the measure is technically justified.

*Relevant Article in the IPPC (1997): VII.6.*

\* The term emergency actions in Article VII.6 of the IPPC (1997) is interpreted to include emergency measures in the sense of ISPM No. 5.

#### **2.2.2 Phytosanitary certification**

*“Each contracting party shall make arrangements for phytosanitary certification ...” (Article V).* Contracting parties should exercise due diligence in operating an export certification system and ensuring the accuracy of the declarations contained in phytosanitary certificates.

*Relevant Article in the IPPC: V.*

#### **2.2.3 Phytosanitary integrity and security of consignments**

Contracting parties, through their NPPO, in order to maintain the integrity of consignments after certification, *“... shall ... ensure through appropriate procedures that the phytosanitary security of consignments after certification ... is maintained prior to export.”* (Article IV.2g).

*Relevant Articles in the IPPC: IV.2g and V.*

#### **2.2.4 Surveillance**

Contracting parties have a responsibility to collect and record data on pest occurrence and absence to support phytosanitary certification and the technical justification of their phytosanitary measures. In this regard, the IPPC (1997) provides that *“Contracting parties shall, to the best of their ability, conduct surveillance for pests and develop and maintain adequate information on pest status in order to support categorization of pests, and for the development of appropriate phytosanitary measures.”* (Article VII.2j).

*Relevant Article in the IPPC (1997): VII.2j and IV.2b.*

#### **2.2.5 Pest reporting**

Contracting parties *“... shall cooperate ... to the fullest practicable extent in ... the reporting of the occurrence, outbreak or spread of pests that may be of immediate or potential danger ...”* to other contracting parties. In this respect, they should follow the procedures established by the Commission

*Relevant Article in the IPPC (1997): VIII.1a.*

#### **2.2.6 Timely action**

Contracting parties have a responsibility to ensure that inspection or other phytosanitary procedures required at import *“... shall take place as promptly as possible with due regard to ... perishability”* of the imported items (Article VII.2e).

*Relevant Article in the IPPC (1997): VII.2e.*



## **2.3 Administration of phytosanitary systems**

### **2.3.1 Provision of a National Plant Protection Organization (NPPO)**

*“Each contracting party shall make provision, to the best of its ability, for an official national plant protection organization with the main responsibilities set out in [Article IV].” (Article IV).*

*Relevant Article in the IPPC (1997): IV.*

### **2.3.2 Dispute settlement**

Contracting parties should be open to consultation regarding their phytosanitary measures, when requested by other contracting parties. If there is a dispute regarding the interpretation or application of the Convention, or if a contracting party considers that an action by another contracting party is in conflict with the obligations of the latter, *“... the contracting parties concerned shall consult among themselves as soon as possible with a view to resolving the dispute.”* (Article XIII.1). If the dispute cannot be resolved in this way, then the provisions of Article XIII relating to the settlement of disputes or other means of dispute settlement may be applied.

*Relevant Article in the IPPC (1997): XIII.*

### **2.3.3 Administrative delays**

When a contracting party requests another contracting party to establish or modify phytosanitary import requirements, this request should be considered without undue delay. Requirements, including related actions involved in the development of these requirements, should be performed, established or modified, as appropriate, also without undue administrative delay. Related actions include, but are not limited to, pest risk analysis, the recognition of pest free areas or the recognition of equivalence.

### **2.3.4 Notification of non-compliance**

Importing contracting parties *“... shall, as soon as possible, inform the exporting contracting party concerned...of significant instances of non-compliance with phytosanitary certification.”* (Article VII.2f).

*Relevant Article in the IPPC (1997): VII.2f.*

### **2.3.5 Information exchange**

Contracting parties have a responsibility to provide information specified in the IPPC (1997), as follows:

- Official contact points (Article VIII.2)
- Description of the NPPO and organizational arrangements of plant protection (Article IV.4)
- Phytosanitary requirements, restrictions and prohibitions (Article VII.2b) (including restricted points of entry - Article VII.2d) and their rationale (Article VII.2c)
- List of regulated pests (Article VII.2i)
- Pest reporting, including occurrence, outbreak and spread of pests (Articles IV.2b and VIII.1a)
- Emergency actions (Article VII.6) and non-compliance (Article VII.2f)
- Pest status (Article VII.2j).